1. Claims 1-2, 5-24, and 29 -30 have been allowed.

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Arlene P. Neal (Reg. # 43,828) on September 25, 2009.

3. The application has been amended as follows:

1. (Currently Amended) A continuous media playback system controlled over a distributed
communication system comprising:
at least one playback control device located at a playback location, the at least one playback control device ~~operably connectable to said distributed communications system and~~ including an output device, memory to store digital media files and a continuous play program, and a controller to control the output of said digital media files to said output device according to said continuous play program, wherein said digital media files include at least one media file of a type selected from the group consisting of audio, video and announcements;
wherein said playback location is remotely located from a computer that is

configured to communicate with said distributed communications system; wherein said computer is ~~operably connectable~~ connected to a remotely located web server via said distributed communications system, said web server for serving digital media files from a master library, wherein said computer includes a user interface configured to allow a playback manager to access said web server via said distributed communications system to modify said continuous play program for each playback control device; ~~and~~
wherein said computer is provided with one or more executable files from said web server to allow said playback manager to select one or more media files for audition without affecting said continuous play program;

wherein said computer includes a browser module for accessing said web server and wherein said web server transmits executable files to said computer;

wherein said executable files allow said computer to select a plurality of predetermined collections of said digital media files, to allocate percentages of time for playing said collections and to create a composite collection by randomly selecting said digital media files from said collections based on said allocated percentage.

2. (Currently Amended) The continuous media playback system of claim 1, ~~wheein said computer is configured to includes a browser module for accessing said web server and~~ wherein said web server is configured to transmit executable files to said computer for creating said continuous play program.

3. (Previously Presented) The continuous media playback system of claim 2, wherein said executable files include one or more executable files of at least one type selected from the group consisting of ActiveX® components, Java Applets® and Java Script®.

4. (Cancelled)

5. (Currently Amended) The continuous media playback system of claim 2, wherein said executable files ~~are~~ if executed by said computer, ~~configured to~~ allow said computer to select and arrange custom playlists by selecting a plurality of said digital media files from said master library and by allowing at least one of sequencing said digital media files and randomly playing said digital media files.

6. (Cancelled)

7. (Currently Amended) The continuous media playback system of claim 1 ~~6~~, wherein said executable files if executed by said computer, are configured to allow said computer to select at least one of said digital media files within said predetermined collections and to adjust the frequency at which said at least one of said digital media files is played in said composite collection.

8. (Currently Amended) The continuous media playback system of claim 1 ~~6~~,wherein said executable files if executed by said computer, ~~are configured to~~

allow said computer to select at least one of said digital media files within said predetermined collections and to prevent said at least one of said digital media files from playing in said composite collection.

9. (Currently Amended) The continuous media playback system of claim 1 ~~6~~, wherein said executable files if executed by said computer, ~~are configured to~~ allow said computer to select at least one of said digital media files within said predetermined collections and to prevent said at least one of said digital media files from playing during preselected times in said composite collection.

10. (Currently Amended) The continuous media playback system of claim 1 ~~6~~, wherein said executable files if executed by said computer, ~~are configured to~~ allow said computer to assign said predetermined collections to a time-based schedule forming part of said continuous play program.

11. (Currently Amended) The continuous media playback system of claim 10, wherein said executable files if executed by said computer, ~~are configured to~~ allow said computer to assign said composite collection to said time-based schedule.

12. (Previously Presented) The continuous media playback system of claim 10, wherein a smallest time unit provided in said time-based schedule can be varied.

13. (Currently Amended) The continuous media playback system of claim 12, wherein said executable files if executed by said computer, ~~are configured to~~ allow said computer to select and arrange custom collections by allowing at least one of selecting a plurality of said digital media files from said master library and by sequencing said digital media files and randomly playing said digital media files.

14. (Currently Amended) The continuous media playback system of claim 2, wherein said executable files if executed by said computer, ~~are configured to~~ allow said computer to access continuous play programs for a plurality of said playback control devices.

15. (Currently Amended) The continuous media playback system of claim 14, wherein said executable files if executed by said computer, ~~are configured to~~ allow said computer to group at least two playback control devices and to create a common continuous play program for said at least two of said playback control devices.

16. (Currently Amended) The continuous media playback system of claim 2, wherein said executable files if executed by said computer, ~~are configured to~~ allow said computer to display a digital media file currently being played by at least one of said at least one playback control devices and at least one digital

media file following said currently played digital media file.

17. (Previously Presented) The continuous media playback system of claim 16, wherein said web server is configured to deliver at least one digital media file to said computer as a streaming media file for output to said output device connected to said computer.

18. (Previously Presented) The continuous media playback system of claim 1, wherein said web server is configured to store a profile for each playback control device.

19. (Currently Amended) The continuous media playback system of claim 2, wherein said executable files if executed by said computer, ~~are configured to~~ allow said computer to select business hours to operate each playback control device.

20. (Previously Presented) The continuous media playback system of claim 2, wherein said web server is configured to include a password logon security module for accessing said continuous play programs.

21. (Currently Amended) The continuous media playback system of claim 2, wherein said master library further comprises at least one file of a type selected from the group consisting of ~~including~~ announcement files, video files, and

text/graphics files.

22. (Currently Amended) The continuous media playback system of claim 21, wherein said executable files if executed by said computer, ~~are configured to~~ allow said computer to schedule at least one of said digital announcement files in said continuous play broadcast of each playback control device.

23. (Currently Amended) The continuous media playback system of claim 22, wherein said executable files if executed by said computer, ~~are configured to~~ allow said computer to schedule at least one file of a type selected from the group including said digital announcement files and said video files in said continuous play broadcast of each playback control device on a recurring basis.

24. (Currently Amended) A method of programming at least one playback control device located at a playback location in a continuous media playback system controlled over a distributed communication system, the method comprising:
accessing a web server ~~site~~ via the distributed communications system in response to input received at ~~using~~ a user interface of a web browser of a computer ~~including a web browser,~~ the computer located remotely from said web server ~~site~~ and remotely located from said playback location;
~~accessing and~~ arranging at least one of digital media files ~~and~~ or predetermined collections of said digital media files to create or modify a continuous play program for said playback control device via said web ~~site~~ server, wherein said

digital media files include at least one file of a type selected from the group ~~including~~ consisting of audio, video and announcements; ~~and~~

~~permitting a user to access one or more digital media files using~~ accessing one or more digital media files in response to user input received via said user interface to audition the one or more digital media files without affecting the continuous play program;

transmitting executable files from said web server to said computer for selecting in response to input received via said user interface a plurality of predetermined collections of said digital media files;

allocating in response to input received via said user interface percentages of time for playing said collections; and creating a composite collection by randomly selecting said digital media files form said predetermined collections based on said allocated percentages.

25 (Previously Presented) The method of claim 24, further comprising: transmitting executable files from said web server to said computer for creating said continuous play program.

26. (Previously Presented) The method of claim 24, wherein said executable files include one or more executable files of at least one type selected from the group consisting of ActiveX® components, Java Applets®, and Java Script®.

27. (Cancelled)

28. (Currently Amended) The method of claim 24, further comprising:

~~selecting and~~ arranging custom playlists by selecting in response to input received via said user interface a plurality of said digital media files from a master library and by allowing at least one operation selected from the group consisting of sequencing said digital media files and randomly playing said digital media files.

29. (Cancelled)

30. (Currently Amended) The method of claim 24 ~~29~~, further comprising:

selecting at least one of said digital media files within said predetermined collections; and

adjusting in response to input received via said user interface the frequency at which said at least one of said digital media files is played in said composite collection.

31. (Currently Amended) The method of claim 24 ~~29~~, further comprising:

~~allow said computer to select at least one of said digital media files within said predetermined collections; and~~

preventing ~~said~~ at least one of said digital media files from playing in said

composite collection.

32. (Currently Amended) The method of claim 24 ~~29,~~ further comprising:

~~selecting at least one of said digital media files within said predetermined collections; and~~

preventing ~~said~~ at least one of said digital media files from playing during preselected times of at least one of a day, a month ~~said~~ or a year in said composite collection.

33. (Currently Amended) The method of claim 24 ~~29~~, further comprising:

assigning in response to input received via said user interface said predetermined collections to a time-based schedule forming part of said continuous play program.

34. (Previously Presented) The method of claim 33, further comprising:

assigning said composite collection to said time-based schedule.

35. (Currently Amended) The method of claim 33, wherein said ~~further comprising~~:

~~providing a smallest time unit in said~~ time-based schedule has an adjustable smallest time unit, and ~~allowing said smallest time unit to be varied.~~

36. (Currently Amended) The method of claim 24, further comprising:

~~selecting and~~ arranging custom playlists by selecting:

a plurality of said digital media files from a master library using said computer;

and

~~by allowing~~ at least one of sequencing said digital media files using said computer ~~and~~ or randomly playing said digital media files.

37. (Previously Presented) The method of claim 25, further comprising:

allowing said computer to access continuous play programs for a plurality of said playback control devices using said executable files.

38. (Previously Presented) The method of claim 25, further comprising:

grouping at least two playback control devices; and

creating a common continuous play program for said at least two playback control devices.

39. (Currently Amended) The method of claim 25, further comprising:

displaying an identifier of a digital audio file currently being played by at least one playback control device; and

displaying an identifier of at least one digital audio file following said currently played digital media file.

40. (Currently Amended) The method of claim 24, further comprising: receiving ~~delivering~~ at least one digital media file at ~~to~~ said computer as a streaming media file for output to an output device connected to said computer.

41. (Previously Presented) The method of claim 24, wherein said web server stores a profile for each playback control device.

42. (Previously Presented) The method of claim 25, wherein said executable files allow said computer to select business hours to operate each playback control device.

43. (Previously Presented) The method of claim 24, wherein said web server includes password logon security for accessing said continuous play programs.

44. (Currently Amended) The method of claim 28, wherein said master library contains at least one of digital announcement files ~~and~~ or audio files.

45. (Previously Presented) The method of claim 25, wherein said executable files allow said computer to schedule at least one of said digital announcement files in said continuous play program of each playback control device.

46. (Previously Presented) The method of claim 25, wherein said executable files allow said computer to schedule at least one of said digital announcement files in

said continuous play broadcast of each playback control device on a recurring basis.

47. (Currently Amended) The continuous media playback system of claim 1, wherein said computer is configured to create or modify ~~creates or modifies~~ continuous play programs for a plurality of said playback control devices.

48. (Currently Amended) The continuous media playback system of claim 1, wherein said computer is configured to group ~~groups~~ at least two playback control devices and create a common continuous play program for said at least two playback control devices.

49. (Previously Presented) The method of claim 24, further comprising creating or modifying continuous play programs for a plurality playback control devices using said computer.

50. (Previously Presented) The method of claim 24, further comprising:
grouping at least two playback control devices; and
creating a common continuous play program for said at least two playback control devices.

51. (Previously Presented) The continuous media playback system of claim 1, wherein each playback control device includes a master library of digital media

files.

52. (Previously Presented) The method of claim 24, wherein each playback control device includes a library of digital media files.

53. (Previously Presented) The continuous media playback system of claim 2, wherein said executable files permit said computer to control playback volume for said continuous play program.

54. (Previously Presented) The continuous media playback system of claim 53, wherein said executable files permit said computer to control said playback volume as a function of at least one parameter selected from the group consisting of: time, type of location, and area within a type of location.

55. (Previously Presented) The method of claim 24, further comprising, controlling playback volume for said continuous play program.

56. (Previously Presented) The method of claim 55, wherein said controlling playback volume comprises controlling playback volume as a function of at least one parameter selected from the group consisting of: time, type of location, and area within a type of location.

57. (Currently Amended) The continuous media playback system of claim 1, wherein said computer includes ~~is provided with~~ one or more executable files from said web server to allow said playback manager to adapt said continuous play program with schedules corresponding to different days and sets of days within a year.

58. (Previously Presented) The method of claim 36, wherein said master library contains at least one of digital announcement files and audio files.

59. (New) A continuous media playback system controlled over a distributed communication system comprising:

a computer remotely located from at least one playback control device located at a playback location, wherein said at least one playback control device includes an output device, memory to store digital media files and a continuous play program, and a controller to control the output of said digital media files to said output device according to said continuous play program;

wherein said computer includes a user interface to enable a playback manager, via said distributed communications system, to access a remotely located web server for serving digital media files from a master library and modify said continuous play program for said at least one playback control device; and

wherein said computer is provided with one or more executable files from said web server to allow said playback manager to select one or more media files for audition without affecting said continuous play program;

wherein executable files allow said playback manager to select a plurality of predetermined collections of said digital files, to allocate percentage of time for playing said collections and to create a composite collection by randomly selecting said digital media files from said collections based on said allocated percentages.

Reason for Allowance

4. The following is an examiner's statement of reasons for allowance: Prior art of record fails to teach a combination of elements, as appeared in the independent claims, including executable files allowing the computer to select a plurality of predetermined collections of said digital media files, to allocate percentages of time for playing said collections and to create a composite collection by randomly selecting said digital media files from said collections based on said allocated percentages.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Examiner's Amendment."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sahera Halim whose telephone number is (571) 272-4003. The examiner can normally be reached on M-F from 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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